

**PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT
DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number (Optional)
ELI-037USFirst Named Inventor: Jeff HIMAWAN *et al.*

International (PCT) Application No.: PCT/US2004/009622

Filed: March 29, 2004

Title: IMMUNOGENICITY-REDUCED ANTI-CR1 ANTIBODY AND COMPOSITIONS AND METHODS OF
TREATMENT BASED THEREON

MS PCT

Attention: PCT Legal

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

The above-identified application became abandoned as to the United States because the fees and documents required by 35 U.S.C. 371(c) were not filed prior to the expiration of the time set in 37 CFR 1.495(b) or (c) as applicable. The date of abandonment is the day after the date on which the 35 U.S.C. 371(c) requirements were due. See 37 CFR 1.495(h).

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee
- (2) Proper reply
- (3) Terminal disclaimer with disclaimer fee which is required for all international applications having an international filing date before June 8, 1995; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☒ Small entity – fee \$ 750.00 (37 CFR 1.17(m)). Applicant claims small entity status.
See 37 CFR 1.27.

☐ Other than small entity – fee \$ _____ (37 CFR 1.17(m))

2. Proper reply

A. The proper reply (the missing 35 U.S.C. 371(c) requirement(s)) in the form of _____ (identify type of reply):

☐ has been filed previously on _____
☐ is enclosed herewith.

10/12/2005 OFREY1 00000093 120080 10551525

07 FC:2453

750.00 DA

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV 418604334 US, in an envelope addressed to: MS PCT, Attention: PCT Legal, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: 30 September 2005

Signature: _____

Giulio A. DeConti, Jr.)

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

☒ Since this international application has an international filing date on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. Statement. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.



Signature

30 September 2005

Date

Giulio A. DeConti, Jr.

Typed of Printed Name

31,503

Registration Number, if applicable

LAHIVE & COCKFIELD, LLP
28 State Street
Boston, Massachusetts 02109

Address

(617) 227-7400

Telephone Number

Enclosures:

☐

Response

☒

Fee Payment

☐

Terminal Disclaimer

☒

Other (please identify): Transmittal letter

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Jeff Himawan *et al.*

International Application No: PCT/US2004/009622

International Filing Date: 29 March 2004

For: IMMUNOGENICITY-REDUCED ANTI-CR1
ANTIBODY AND COMPOSITIONS AND
METHODS OF TREATMENT BASED THEREON

Attorney Docket No.: ELI-037US

MS PCT
Attention: PCT Legal
Commission for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATION UNDER (37 CFR 1.10)

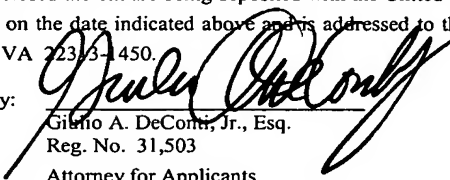
"Express Mail" Mailing Label Number EV 418 604 334 US

Date of Deposit 30 September 2005

I hereby certify that this transmittal letter and the papers referred to as being enclosed therein are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the MS PCT, Attention: PCT Legal, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

30 September 2005
Date of Signature

By:


Gilberto A. DeComi, Jr., Esq.
Reg. No. 31,503
Attorney for Applicants

PETITION TO REVIVE AN ABANDONED APPLICATION
PURSUANT TO 37 CFR § 1.137(b)

Dear Sir:

On 29 March 2004, PCT International Application No. PCT/US2004/009622, claiming priority to U.S. Application No. 60/458,869, filed 28 March 2003, was filed on behalf of Jeff Himawan, *et al.* Accordingly, the date for entering the national stage for the International Application in the United States was 28 September 2005. Applicants respectfully request that the above-identified application be revived under 37 CFR §1.137(b). It is respectfully submitted that the

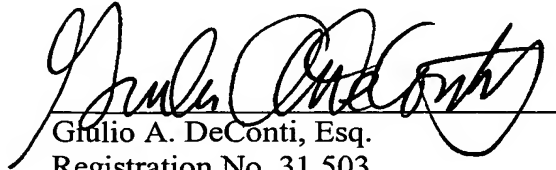
entire delay in entering the national stage after 28 September 2005 to the filing of this petition was unintentional.

Under 37 CFR §1.137(b), a Petition to Revive an unintentionally abandoned application must be accompanied by: (1) any required reply, unless it has been previously submitted; (2) a petition fee as set forth in 37 CFR §1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional; and (4) any terminal disclaimer under paragraph (c) of this section.

Accordingly, Applicants submit with this Petition to Revive (1) a Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Filing Under 35 U.S.C. 371, and (2) an unexecuted Declaration and Power of Attorney. Please charge Deposit Account 12-0080 for the amount \$750.00 for the petition fee under 37 C.F.R. §1.17(m). Applicants state that the entire delay in filing the Transmittal Letter to the United States Elected Office and basic filing fee for entry into the U.S. national stage until the filing of this petition pursuant to under 37 C.F.R. §1.137(b) was unintentional. A terminal disclaimer is not required under 37 C.F.R. §1.137(c) because the subject application was filed after June 8, 1995.

Please charge any underpayments or credit any overpayments to our Deposit Account, No.12-0080. A duplicate of this sheet is submitted herewith.

Respectfully submitted,



Dated: 30 September 2005

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